

DETAILED ACTION

1. The examiner of this application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Amy E. Juedes, Group Art Unit 1644, Technology Center 1600.
2. The notice of allowance mailed 6/4/09 is vacated.
3. Claim 24 is pending and is under examination.
4. Claim 24 is objected to for the following informalities: The claim recites the abbreviation "IMP" without setting forth the full name of the compound. The claim should be amended to recite a protected inosine 5'-monophosphate (IMP) compound, as taught on page 12 of the instant specification.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,614,504, March 25, 1997.

The '504 patent teaches a method of enhancing the immune response to a vaccine comprising administering an adjuvant formulation comprising inosine 5-monophosphate compounds, including MIMP (i.e. a protected IMP compound, see column 1, 6, 9, and, in particular). The '504 patent teaches administering the IMP compounds to treat influenza (see column 14, in particular). The '504 patent teaches measuring a response to the vaccine by performing proliferation assays in response to

viral antigen (i.e. detecting a T cell response, see column 17, in particular). The '504 patent also teaches measuring an enhanced DTH response and T cell activation and cytokine secretion in response to IMP compounds (i.e. detecting a T cell response, see column 18-19, in particular).

Thus, the reference clearly anticipates the invention.

7. No claim is allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes whose telephone number is 571-272-4471. The examiner can normally be reached on 7am to 3:30pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Amy E. Juedes

Patent Examiner

Technology Center 1600

/Amy E. Juedes/

Patent Examiner, Art Unit 1644